

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20556**

In the Matter of)	
)	
Disclosure of Customer Information)	RM-10715
in 9-1-1 Emergencies)	

**REPLY COMMENTS
OF NENA, APCO AND NASNA**

The National Emergency Number Association (“NENA”), the Association of Public-Safety Communications Officials-International, Inc. (“APCO”) and the National Association of State Nine One One Administrators (“NASNA”) hereby reply to the comments of others in the captioned proceeding. These comments come from the Cellular Telecommunications & Internet Association (“CTIA”), the Electronic Privacy Information Center (“EPIC”), the Massachusetts Statewide Emergency Telecommunications Board (“SETB”) and Sprint Corporation (“Sprint”), on behalf of its local, long distance and wireless telecommunications divisions.

EPIC and SETB support the opening of a rulemaking, while CTIA and Sprint believe that either Congress or the Department of Justice (“DOJ”) must speak first to the issues of legal interpretation. We welcome the support of EPIC and SETB. We do not disagree with CTIA that Congress may, in the final analysis, need to consider differences in the law that cannot be interpreted into harmony. (Petition for Rulemaking, May 2, 2003, 9, final bullet)

However, some clarification may be possible without changing the law. We appreciate Sprint’s suggestion that the FCC invite DOJ to comment, and propose that this occur within the frame of a formally constituted rulemaking. We would not object to the “workshop” Sprint

suggests (Comments, 10-11) and recommend that, if conducted, its outcome be placed on the rulemaking record.

Access to carrier records

In our Comments of August 15, 2003 (4, n.4) we noted the importance of public safety access to carrier points of contact at all hours of the day or night. We referred to a decision of the Canadian Radio-television and Telecommunications Commission ("CRTC") mandating such a facility as follows:

In the Commission's view, this type of mechanism would be a cost-effective way of improving emergency services since it would augment the information available through wireless E9-1-1 service capabilities. The Commission therefore requires wireless CLECs to establish and maintain by **14 October 2003** toll-free telephone access to and continuous staffing of at least one of their operations centres, in order to promptly assist authorized PSAP personnel seeking subscriber information in emergency situations.¹

We agree with the CRTC and urge that a similar proposal be included in any notice of proposed rulemaking opened in answer to our Petition. The essential first step in securing customer-specific information for emergency response is a reliable, always-available point of carrier contact.²

The requirement, we believe, should extend not just to facilities-based wireless carriers but also to resellers of various descriptions. The following incident involving TracFone was reported by a Minneapolis-area PSAP:

They do not have a 24-hour service center like Qwest/Sprint/Verizon where you can retrieve user information. It also appears they do not require any kind of user information when the phones are activated.

¹ CRTC Telecom Decision 2003-53, August 12, 2003, ¶89.

² See also, Attachments A and B to our Comments of August 15, 2003.

I had a series of crank calls from one of these phones one night. It took a ton of the operators time dealing with the actual calls and about three hours of my time trying to track down any information on the user. I got as far as getting a number for a contact a Verizon technician had for the company which could be called M-F business hours (I work evenings).³

Conclusion

For the reasons discussed above, and on the prior record in this proceeding, we ask the Commission to open a rulemaking on the legal preconditions for release of customer-specific information to PSAPs in the course of response to 9-1-1 emergency calls. We also request consideration of a requirement that all providers of wireless access to 9-1-1 maintain points of contact staffed at all times by a person capable of searching customer records and securing authorization to release information to authorized public safety representatives.

Respectfully submitted

NENA, APCO and NASNA

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³ E-mail from Darlene Sime to John Dejung, June 28, 2003.